



Virginia  
Regulatory  
Town Hall

## Periodic Review and Retention of Existing Regulations Agency Background Document

<b>Agency Name:</b>	Department of Agriculture and Consumer Services
<b>VAC Chapter Number:</b>	2 VAC 5-550
<b>Regulation Title:</b>	Rules and Regulations Pertaining to Tolerances and Prohibitions Applicable to Sausage
<b>Action Title:</b>	Retain
<b>Date:</b>	September 5, 2001

This information is required pursuant to the Administrative Process Act § 9-6.14:25, Executive Order Twenty-Five (98), and Executive Order Fifty-Eight (99) which outline procedures for periodic review of regulations of agencies within the executive branch. Each existing regulation is to be reviewed at least once every three years and measured against the specific public health, safety, and welfare goals assigned by agencies during the promulgation process.

This form should be used where the agency is planning to retain an existing regulation.

### Summary

*Please provide a brief summary of the regulation. There is no need to state each provision; instead give a general description of the regulation and alert the reader to its subject matter and intent.*

This regulation establishes maximum amounts of certain non-meat ingredients that sausage may contain such as cereal, vegetable starch, soya flour, soy protein, water and fat.

### Basis

*Please identify the state and/or federal source of legal authority for the regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. Where applicable, explain where the regulation exceeds the minimum requirements of the state and/or federal mandate.*

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The legal authority for this regulation is contained in § 3.1-394 of the Code of Virginia (1950), as amended. The Code of Virginia provides that whenever in the judgement of the Commissioner of Agriculture and Consumer Services such action will promote honesty and fair dealing in the interest of consumers, the Board shall promulgate regulations fixing and establishing for any food or class of food labeling requirements, a reasonable definition and standard of identity, and a reasonable standard of quality and fill of container, or tolerances or limits of variability. The authority to promulgate this regulation is discretionary.

**Public Comment**

*Please summarize all public comment received as the result of the Notice of Periodic Review published in the Virginia Register and provide the agency response. Where applicable, describe critical issues or particular areas of concern in the regulation. Also please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.*

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The agency received no public comment on this regulation as the result of the Notice of Periodic Review published in *The Virginia Register of Regulations* on June 18, 2001, to provide notice of opportunity to comment on this regulation pursuant to Executive Order Number Twenty-five (98). No informal advisory group was formed for the purposes of assisting in the periodic review.

**Effectiveness**

*Please provide a description of the specific and measurable goals of the regulation. Detail the effectiveness of the regulation in achieving such goals and the specific reasons the agency has determined that the regulation is essential to protect the health, safety or welfare of citizens. Please assess the regulation's impact on the institution of the family and family stability. In addition, please indicate whether the regulation is clearly written and easily understandable by the individuals and entities affected.*

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The specific and measurable goals of this regulation are:

1. The protection of the public's health, safety, and welfare with the least possible cost and intrusiveness to the citizens and businesses of the Commonwealth.
2. Ensuring that consumers are offered sausage products that contains no more than the maximum allowable levels of non-lean meat ingredients (fat, water, cereal, etc.).

3. The alignment of certain requirements concerning the content of sausage with federal requirements, facilitating uniformity with respect to products that are offered for sale in interstate commerce.
  
4. Ensuring that the product is appropriately represented to consumers by requiring that certain statements relative to the sausage’s content appear on the product label.

The regulation has strengthened the provisions of the Virginia Food Laws that ensure a safe, wholesome, unadulterated and properly labeled food supply by ensuring that sausage sold in Virginia has no more than the maximum levels of non-meat ingredients.

The alignment with federal requirements ensures that sausage manufactured in Virginia is uniform with respect to sausage offered for sale in interstate commerce.

**Alternatives**

*Please describe the specific alternatives for achieving the purpose of the existing regulation that have been considered as a part of the periodic review process. This description should include an explanation of why such alternatives were rejected and this regulation reflects the least burdensome alternative available for achieving the purpose of the regulation.*

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The Agency considered eliminating this regulation, however, this alternative was rejected. Allowing sausage to be sold with no limitation on non-meat ingredients would expose consumers to sausage that would be inferior and less capable of providing proper nutrition. Charging premium prices for such inferior products would also place an economic burden on consumers while allowing manufacturers or retailers to realize significant economic gains.

**Recommendation**

*Please state that the agency is recommending that the regulation should stay in effect without change.*

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The agency recommends that this regulation be retained in its present form.

**Family Impact Statement**

*Please provide an analysis of the regulation’s impact on the institution of the family and family stability including the extent to which it: 1) strengthens or erodes the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourages or discourages economic self-*

*sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthens or erodes the marital commitment; and 4) increases or decreases disposable family income.*

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Unless otherwise discussed in this report, this regulation has no impact upon families.